

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

Applicant has cancelled pending claims 1-20 and presents herein new claims 21-38 for consideration.

At paragraph 3 of the outstanding office action the Examiner has requested new drawings be submitted. Applicant submits herewith a set of new drawings addressing the Examiner's concerns regarding figures 2, 3 and 10. In light of this submission, Applicant requests that the objection to the figures be withdrawn.

At paragraph 4 of the outstanding office action the Examiner has requested that the computer program listing included in the specification as filed be removed from the specification and instead be submitted on a compact disc in accordance with 37 CFR 1.96(c). Applicant submits herewith the requested compact disc and has amended the specification to delete the program listing therefrom. A reference to the compact disc is entered in the specification. Applicant therefore requests that the objection to the specification on these grounds be withdrawn.

At paragraphs 6-17 the Examiner rejected claims 1-20 under 35 USC 102(b) as being anticipated by Donnelly et al. (US Patent No. 6,100,885). Applicant has cancelled claims 1-20 and therefore requests that the rejection of these claims be withdrawn as moot. Applicant presents new claims 21-38, and as to these new claims, Applicant submits that the rejection of these claims over Donnelly et al, for the reasons noted in the outstanding office action, would be improper.

Newly presented independent claim 21, for example, recites “means for defining a range of values of a first variable corresponding to one or more physical restraints of a corresponding physical structure of the instrument”, and “means for confirming the selected value for the first variable is within the defined range of values.” Applicant submits that the portions of Donnelly et al. relied upon by the examiner do not define such a range relating to any physical structure, and further do not describe means for determining whether the value assigned to the variable is within the permitted range. While the Examiner refers to column 10, lines of 28-49 of Donnelly et al. (when rejecting previously presented claim 2) to teach an allowed range of values, Applicant submits that this portion of Donnelly et al. appears to discuss the interaction of a user with a Graphical User Interface (GUI) for use in allowing the user to interact with a block diagram of the main functional elements of the system. However, it appears that these main functional elements are software elements generally having no relationship to a corresponding physical portion of the system. Further, there is no discussion of a range of possible allowed values being designated based upon this physical relationship, or of a confirmation of whether a value selected by a user is within the designated range. Applicant therefore submits that it would be improper to reject claim 21 under 35 USC 102(b) as being anticipated by Donnelly et al.

Newly presented independent claims 24, 28, 31 and 35 present at least similar elements to those discussed above with respect to claim 21, and therefore for these same reasons, Applicant submits that it would be improper to reject claims 24, 28, 31 and 35 under 35 USC 102(b) as being anticipated by Donnelly et al.

Finally, newly presented dependent claims 22, 23, 25-27, 29, 30, 32-34 and 36-38 depend, either directly or indirectly from one of the independent claims noted above, and therefore should not be rejected for this reason alone. These dependent claims additionally

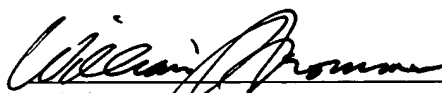
present independently patentable subject matter in their own right. Applicant therefore submits that it would be improper to reject claims 22, 23, 25-27, 29, 30, 32-34 and 36-38 USC 102(b) as being anticipated by Donnelly et al.

CONCLUSION

Applicant has made a diligent effort to place claims 21-38 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a notice of allowance regarding these claims, the Examiner is requested to contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,
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Encs. - Replacement Drawings (11 Sheets)
- CD With Program Listing